

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



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: DRYWALL TAPERS AND POINTERS OF GREATER :
: NEW YORK LOCAL UNION 1974, IUPAT, AFL-CIO, :

: Petitioner, :

: -v- :

: MAIA MP CONSTRUCTION, INC., :

: Respondent. :
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18-CV-5506 (JMF)

MEMORANDUM OPINION
AND ORDER

JESSE M. FURMAN, United States District Judge:

On June 19, 2018, Plaintiff (or, more properly, “Petitioner”) filed a Petition to Confirm Arbitration (albeit styled as a complaint). (Docket No. 1). On June 20, 2018, the Court set a briefing schedule for Petitioner’s submission of any additional materials in support of the Petition, Respondent’s opposition, and Petitioner’s reply. (Docket No. 6; *see also* Docket Nos. 10, 13). Petitioner served Respondent with the Petition, supporting materials, and the Court’s orders setting and extending the briefing schedule. (Docket Nos. 7, 8, 11, 21). Pursuant to the briefing schedule, Respondent’s opposition was due no later than August 14, 2018. (Docket No. 13). To date, Respondent has neither responded to the petition nor otherwise sought relief from the Award.

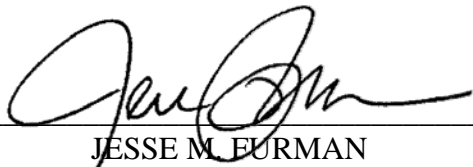
The Court must treat the Petition, even though unopposed, “as akin to a motion for summary judgment based on the movant’s submissions.” *Trs. for Mason Tenders Dist. Council Welfare Fund, Pension Fund, Annuity Fund & Training Program Fund v. Capstone Constr. Corp.*, No. 11-CV-1715 (JMF), 2013 WL 1703578, at *2 (S.D.N.Y. Apr. 19, 2013) (discussing

in depth the legal standards for resolving unopposed petitions to confirm arbitration awards).

After reviewing the petition and the supporting materials, the Court finds that there is no genuine issue of material fact precluding summary judgment as to all portions of the Award, as the Arbitrator's decision provides more than "a barely colorable justification for the outcome reached." *Id.* at *3 (internal quotation marks omitted). Nor is there any justification under Section 10(a) of the Federal Arbitration Act for vacating the Award. Accordingly, the Court grants Petitioner's unopposed petition to confirm the entire Award. Petitioner is directed to file its Proposed Judgment electronically, using the ECF Filing Event "Proposed Judgment," by no later than **August 24, 2018**.

SO ORDERED.

Dated: August 17, 2018
New York, New York



JESSE M. FURMAN
United States District Judge